

**Minutes of the Carlisle Board of Health  
January 25, 2011**

Present: Board Members Jeff Brem Chair, Bill Risso, Mark Caddell; Cathy Galligan; Elizabeth Nilson Ostrow, also present: Linda Fantasia, Agent, Priscilla Stevens (Carlisle Mosquito); Alan Carpenito, John Bakewell, Gale Constable; Cindy Craft, Leslie Thomas, Randy Brown, Kathy Balles, Launa Zimmario,

The meeting was called to order at 7:30 p.m.

**MINUTES** – tabled.

**APPOINTMENTS AND VOTES**

**607 Autumn Lane** – emergency permit to do a winter installation. Brem explained that he had approved an emergency waiver so that the system could be installed as soon as possible. Sewage was backing up into the house. A total of 1400 gals was pumped from a 1000 gal septic tank indicating that the field is saturated. ABC Cesspool drained the field as a temporary measure. A SDCP was issued by the Board on 10/28/10 but work had not started due to the pending winter shutdown. The system began experiencing severe failure in December. The Board is required to ratify the emergency waiver.

It was moved (Caddell) and seconded (Risso) to ratify an emergency waiver from the Town of Carlisle Sewage Disposal Regulations “Additional Town Policies Item #6” to allow a winter installation to replace a failed septic system at 607 Autumn Lane, Carlisle, MA. Motion passed 5-0-0.

**Noise Bylaw Work Group** – Galligan explained that the Planning Board decided there is not enough time to research and draft a Noise Bylaw for Spring Town Meeting. They are interested in forming a work group to draft one for next year and do not care if the Board of Health might want to take the lead on the project. Galligan, who has experience with industrial noise, is interested in representing the Board of Health.

It was moved (Risso) and seconded (Nilson) to appoint Cathy Galligan to the Noise Bylaw Working Group. Motion passed 5-0-0.

**ADMINISTRATIVE REPORTS (see handout)**

**Drug Take Back Program** – DEA is sponsoring a second collection on April 30, 2011 based on the success of the one last fall. Carlisle did not participate in the fall collection but may be interested. The collection needs to be run through the Police Dept because of controlled substances. Fantasia will check with Acting-Police Chief Leo Crowe. Carlisle may want to join with another community.

Laurel Hollow (Rocky Point) – there are two potable wells and one fire well on the property.

**62 Lowell Street** – The design engineer sees no benefit in making any design changes. The owners have hired John Bonica to install the system. The work will need a waiver from the winter shut down. The owner has not submitted a water test or pump out receipt. Fantasia will follow up.

It was moved (Risso) and seconded (Galligan) to approve an emergency waiver from the Town of Carlisle Sewage Disposal Regulations “Additional Town Policies Item #6” to allow a winter installation to replace a failed septic system located at 62 Lowell Street. Motion passed 5-0-0.

**PHEP Grant** – the town will receive \$8160 in left over H1N1 money. The funds can only be used to support mass vaccination planning. Region 4A recommends that each town purchase I Pads to be used in clinics. This is consistent with the state’s objective of paperless record keeping. Fantasia asked whether other emergency responders might use them. The ongoing data cost is approximately \$30/mo. Health Departments will most likely receive funding from the communications grant, but Fire or Police would have to pay their own usage costs. The Board suggested other purchases such as emergency kits or school items such as hand sanitizers. Fantasia explained

that the two funding sources (PHER and PHEP) have different deliverables. PHER is tied to mass vaccination planning; PHEP covers emergency preparedness. She will put together a list of approved items. It may be possible to fund activities for Neighborhood Networks such as small training classes or pamphlets. COA is interested in moving this program forward. The Board also suggested purchasing environmental cleanup items such as the spill pads that were used on Fifty Acre Way. Having these on hand provides a quicker response. Storage can be a problem for large quantities.

**Local Noise Bylaw Request** - John Bakewell appeared before the Board to discuss the proposal. He has been working with Ginny Lamere. Bakewell gave a brief history of the problems experienced by neighbors to Chestnut Estates due to the constant use of a hoe ram last summer. The noise severely impacted the quality of their lives. The town needs to take steps to prevent this from happening in the future. Bakewell felt a developer should be required to plan better and think through the construction activity to mitigate problems for neighbors. He would like to have specific criteria limiting the hours and days that such a machine can be used without a special permit from the board of Health. Bakewell did not have a written proposal but suggested limiting hoe ramming to 3 consecutive days per site every 60 days. This seemed to be a good compromise to Bakewell. Galligan disagreed, citing her family's experience when a hoe ram was used for about 5 days when ledge was unexpectedly encountered during construction of an addition. A 3 day limit would have seriously delayed the project and disrupted the carefully scheduled queue of trade's people. The noise was not pleasant for anyone, but by communicating with neighbors the short term disruption was tolerable.

Brem informed Bakewell about the Planning Board's intention to draft a bylaw for next year's town meeting. He questioned the definition of site and whether it referred to each individual lot in a subdivision or the subdivision as a whole. Bakewell said he was uncomfortable waiting a year. He would like to see restrictions in place now, particularly since house lots for Chestnut Estates are being built. Galligan questioned who would enforce the regulation – Board of Health, Police or Building Inspector. She favors a general bylaw which is enforced by the Police or Building Inspector, due to their experience in potentially contentious situations. Brem said the Board has regulations such as swimming pool fencing that it enforces. Bakewell thought the Board of Health should issue a permit which the Police would enforce. Currently there is no recourse to the state which only has noise guidelines. Bakewell felt the developer should have to demonstrate that the construction could not be accomplished by other means in order to get a permit. Developer cost should not be the determining factor. Brem thought this would leave the permitting process unclear and difficult to enforce. Galligan cautioned about establishing a permitting process that was more qualitative than quantitative. A qualitative process is less likely to stand up in court. Bakewell suggested that the Building Inspector would know if levels were excessive or unnecessary. Sound from a hoe ram is very obvious. Brem said there were a lot of factors that contributed to the problem with Chestnut Estates, including a delay in getting a blasting permit because of a 1000' survey condition imposed by Planning Board. He does not want the Board of Health to be placed in the middle of a contentious situation. It should not be a judgment call. Risso agreed that there would need to be clear cut criteria. If the Board issued a permit and the noise level was excessive, the Board would have to rescind it. The developer could appeal. Bakewell felt the Building Inspector could issue a permit for up to three days and if more work was done, issue a cease and desist order. Board members agreed that a three-day permit every sixty days was very tight. Bakewell said his proposal would not apply to municipal projects. (Linda: I don't remember saying that, and I'm not sure what it means) That is not the Board of Health's job.

Alan Carpenito, in the audience, said similar work was done on Cross Street at the Greystone development. A rock crusher was also brought in to break up the rock. Three machines were going at once but the work went quickly. The work was very loud. Bakewell agreed that it might be better to get the work done as quickly as possible. Caddell said it is in the interest of public health to have a noise bylaw. He is very sympathetic to the neighbor's situation on Rutland Street. Bakewell said Carlisle is a quiet town. A hoe ram clearly exceeds the ambient background levels. Galligan said in addition to the noise level in decibels, the character of the noise is also a consideration; for example tonal and impulsive noise. A hoe ram causes impulsive noise which can be very disturbing. Caddell asked who would measure the noise levels if a complaint was filed. Galligan said a basic meter might cost around \$300-\$500, and there would be a need for training and routine calibration. Fantasia said she had checked with surrounding towns, but none had their own meters. DEP has a meter which is available to health departments. Risso questioned why the Board needed to rush into a bylaw. Bakewell said he is concerned that

work with the hoe ram will continue at Chestnut Estates without any controls. A bylaw requires town meeting vote which cannot happen until May. Fantasia reported that only zoning bylaws require attorney general approval.

The Board then discussed the possibility of a local regulation which does not require town meeting approval. There would still need to be public hearings before the Board. Brem said such a regulation could have a sunset clause so that it would be replaced with an eventual bylaw. This would motivate Planning Board to continue working on a bylaw. The regulation would be directed toward construction activity. Caddell asked if Bakewell and the other neighbors had considered arbitration as a way of mitigating the problem. Bakewell said they had not. Galligan read an email from Michael Epstein of the Planning Board which clearly stated the Planning Board's intent to work on a noise bylaw. Brem suggested Bakewell prepare a draft regulation for the Board's consideration. Fantasia can provide formatting and hearing requirements. The Board agreed that an interim local Board of Health regulation might be the best way to go. Galligan suggested using her research as a starting point. Bakewell thanked the Board for their time.

### **887 Bedford Road – replacement of failed septic system.**

The Board reviewed a conceptual plan prepared by Doug Smith, the design engineer, on behalf of "Wee Folk" which is owned by Chris Peterson. The business does not fall within usual design flow categories listed in Title 5 so Smith asked for input from the Board before submitting the final design. The previous system which was installed in 1992 was for a single family residence. The building is no longer used as a residence. Smith proposed three options: a factory with cafeteria for 24 employees for 480 GPD; building office space (3360 s.f.) 252 GPD, and metered water records for 290 GPD. A new two compartment tank will be added between the existing 1500 septic tank and pump chamber. The Board reviewed the proposals. Brem noted that metered flows require an additional 200% under Title 5 and state review. The Board would not have a problem endorsing this, but the owner may not want to go through the process. The Board agreed that it would prefer the third option of light manufacturing with 24 employees. Smith is proposing 580 GPD for this design. The Board noted that the number of employees would need to be capped at 28 to not exceed these flows. Smith will be notified so a final design can be submitted.

### **School Composting Project – present for the discussion was Launa Zimmaro, Kathy Balles and Randy Brown.**

Balles explained that a small composting project known as "Carlisle Grows Green" was started at the Carlisle School last fall using kitchen scraps under the direction of the Food Service Director, Susan Robichaud. Students were very interested in the project which had approval from the school. The project team worked closely with Karen DiFranza who has been involved in similar projects throughout the state. The organizers would like to expand on the project by having the students compost their fruit and vegetable wastes. Students would be expected to separate these items from the regular trash. Compost waste would be removed daily to a new composting bin located near the dumpsters. Brown explained how the bin was constructed and secured. Eventually the organizers would like to add the composted material to an organic vegetable garden at the school. The composting effort is being integrated into the educational curriculum. The Board asked if additives would be needed. Balles said that only school food with possible wood shavings and cardboard would be used. The Board emphasized that no manure could be added since the compost bin may be in the school's Zone 1 for its public water supply. Balles said this would not happen without contacting the Board. It is a totally different process when working with manure. The organizers agreed to check with the Board before adding anything other than school food, cardboard or shavings. The Board felt the project would be very beneficial to the school and students thanked the organizers for checking with the Board since the Board is the licensing authority for the school kitchen.

### **Farmer's Market – present for the discussion was Leslie Thomas, Cindy Craft and Gale Constable.**

Brem had authorized a permit for the remaining winter market which the Board needs to ratify and to consider permits for the remainder of the markets.

It was moved (Galligan) and seconded (Risso) to ratify the issuance of one day permits for the Winter Farmer's Market held on 1/22/11 and for the remaining markets to be held on 2/19/11, 3/19/11 and 4/16/11. Motion passed 5-0-0.

The Board then discussed whether it should collect a fee for the licensing. The Board reviewed information from other towns, most of which was not specific to a farmer's market. The Board explained that a license was not required for the summer market except for the cheese vendor who was already licensed by the state. The winter market includes cheese, poultry and meat vendors. The Board is responsible for making sure vendors are properly licensed either with a retail license or USDA labeling for meat products. The Board had its inspector visit the December market and make recommendations. He submitted a bill for \$180.00 which the Board paid. If the Board decides to require annual licensing with an inspection, there will be a cost to the town. The Board felt the inspection was worth the cost since it provided the Board with recommendations that it can follow in the future. Thomas said that their vendors are small operations and requiring a fee would keep them from participating. The market charges \$10 for a table which just covers the cost of advertising. Risso said there would be no cost if the Board or its agent did the inspections. The Board is already tracking licensing information provided by the vendors.

It was moved (Risso) and seconded (Nilson) that future farmers market permit will not require a Board of Health permit fee if inspections are done by the Board but that the Board of Health reserves the right to reconsider this process. Motion passed 5-0-0.

Constable, who was one of the organizers for the summer market, noted that there is a list of guidelines that they send to vendors. Kimballs will not allow vendors to use portable generators so they do not get meat vendors. The Board leaves it up to the organizers to manage the vendors.

#### **Minutes**

It was moved (Risso) and seconded (Galligan) to approve the minutes of 10/26/10 as corrected. Motion passed 5-0-0. It was moved (Galligan) and seconded (Risso) to approve the minutes of 12/14/10. Motion passed 5-0-0. It was moved (Galligan) and seconded (Nilson) to approve the minutes of 11/30/10. Motion passed 4-0-1 (Risso absent).

**Bills** – it was moved (Risso) and seconded (Caddell) to approve the bills as presented for payment. Motion passed 5-0-0.

#### **ADMINISTRATIVE REPORTS (cont)**

Community Septic Loan Program –The Board reviewed an account summary. Larry Barton, Finance Director, will meet with the Board to discuss future spending. The town received \$200,000 in the initial loan. The Board has approved four loans in the amount of \$140,000. Two loans have been repaid. Barton informed Fantasia that uncommitted funds need to be returned to WPAT next October. This could leave the account short on funds to loan out. The Board agreed to add a placeholder on the town meeting warrant in case they decided to request another loan.

Pictometry – A newer version is available with free training from MAPC. Another flyover will be done in spring. Some of the Land Use Boards may be interested in sharing the cost of the more detailed program. This provides a higher resolution and requires a two year contract. The estimated cost would be around \$10-15,000. Maps would be available to the public but not for commercial use. It is possible to integrate Pictometry with ArcGIS and the Patriot system. Fantasia will continue to follow up with the other departments.

District Incentive Grant – Acton is proposing to partner with Concord for nursing services. The more communities that participate will help the application. Acton is willing to be the lead. The Board agreed that it would be interested in learning more about the proposed services. Carlisle is concerned about the cost benefit which sometimes does not favor smaller towns in regional efforts.

GSHP – Fantasia is following up on the two geo-thermal wells approved by the Board last fall. Both wells have been installed and registered with DEP. The well completion reports have not been filed. It is uncertain whether the heating systems are active.

MAVEN – the state is requiring every community to join within two years. Carlisle has been online with the electronic reporting since October.

Commonwealth Medicine – insurance reimbursements have been submitted for the seasonal flu clinic. It will take awhile to process the claims.

## **DISCUSSION ITEMS**

Solar District Zoning Bylaw – Galligan attended the informational meeting and sketched out the proposed location at the transfer station. Other sites were eliminated due to conservation and other restriction issues. The location at the transfer station is reasonable. The town needs to identify a location in order to continue with its Green Community application. Galligan said the only concern might be if the transfer station needs additional future recycling space to comply with the state's Solid Waste Master Plan. If the land were leased out to a private company, it might not be available. Although the Board will be required to permit the transfer station starting in July of 2012, the operation will remain under the authority of the DPW.

Risk Communication – Fantasia attended a training intended to prepare Board members to give public interviews. The training was sponsored by PH Region 4A. Informational pamphlets will be distributed to the Board.

Annual Report – draft is available. The report is due 2/4/11.

164 Fiske Street – community septic loan application from Bonnie L. Jacobellis. The Board reviewed the application which requested \$7050. Fantasia noted the actual amount based on submitted costs was \$7125. A crushed pump chamber was replaced. The failure was noted by the Board's substitute inspector Jeff Hannaford. Brem noted that the field inspection was not initialed and that the Title 5 identified a conditional pass instead of failure. The record will be corrected. The owner did not know what happened to the pump chambers. A certificate of compliance has been issued for the work which was done by D. J. Morris Co.

It was moved (Risso) and seconded (Nilson) to approve a loan in the amount of \$7125 to Bonnie L. Jacobellis for work done at 164 Fiske Street, Carlisle, under Carlisle's community septic loan program. Motion passed 5-0-0.

State Revolving Fund (SRF) – The sewer connection project did not make this year's Intended Use Plan. Carlisle ranked lowest on the list. The Board was not surprised about the score and agreed that the state is scoring projects harder. The points scored were less than before when the Board submitted the project evaluation form. Projects that made the list involved large sewer projects and storm water management.

Consent Agenda – Fantasia proposed this for consideration. The Board agreed to review. Brem noted that any items on the consent agenda would still have full discussion if warranted.

FY12 Budget – Selectmen approved a 2% cost of living. Fincom's proposed amount is what the Board submitted.

Fern's Country Store Site Review – a letter was submitted to the Planning Board that there were no new issues for the Board of Health to consider.

There was no further business discussed. Meeting voted to adjourn at 9:45 pm.

Respectfully submitted,

Linda M. Fantasia  
Recorder

## **HANDOUTS**

Administrative Report dated 1/25/11

Carlisle Board of Health Minutes  
Meeting Date: January 25, 2011  
Approved

Fern's Country Store Modification of Use Site Plan (1/14/11)  
Memo from Carlisle Grows Green (1/14/11)  
License Fee Survey  
Community Septic Loan Reconciliation (11/17/10)  
SoilSmith Designs – letter 1/30/11 and plan  
Consent Agenda Process  
SRF IUP 1/21/11